

REMARKS

The application has been amended and is believed to be in condition for allowance.

This amendment is being filed as part of an RCE application. The unentered amendment of October 4, 2006 should remain unentered.

Claim 11 has been amended as suggested in the Advisory Action of December 20, 2006.

Claims 14-16 have been cancelled in view of the drawing objection and the indefiniteness rejection.

There are no other formal matters outstanding.

Claims 11-13, 21, and 22 have been rejected as obvious over KOSSA et al. 3,934,530 in view of NI 5,988,093.

Claim 17 has been rejected as obvious in further view of CUSHING et al. 3,823,681.

Claims 18-19 have been rejected as obvious in view of BURNETT 3,133,518.

Applicant respectfully disagrees.

Claim 11, when last examined, recited "a basin ... which can be closed to limit to said basin pollution by a vessel in distress protected in the basin,". This recitation was not considered and is not taught or suggested by the prior art.

On page 4 of the Official Action, it is acknowledged that KOSSA does not seal the basin area, but the free ingress/egress of water from the basin is limited.

This statement is an acknowledgement that KOSSA does not disclose "a basin ... which can be closed to limit to said basin pollution by a vessel in distress protected in the basin,". KOSSA cannot limit the pollution to the basin if there is free ingress/egress of water from the basin.

Applicant appreciates the Response to Arguments section that begins on page 6 of the Official Action.

As correctly identified by the Official Action, the prior art does not seal the basin to prevent pollution from the basin egressing into outside sea. In the invention, the doors 18 are closed and seal the basin of the rescue vessel.

Reference is made to the disclosure spanning pages 8-9 of the specification, paragraph [0049] of the published application, which discloses when the rescue vessel approaches a vessel in distress, the rescue vessel can begin to flood the ballast tanks and to sink into the sea. At the same time, basin 12 starts to become filled, and doors 18 are opened wide. After the vessel in distress enters basin 12, doors 18 are closed. Compressed air expels water from the ballast tanks so that rescue vessel 10 rises relative to sea level. From this time, any risk of pollution is eliminated. The vessel in distress is protected in the basin so that even with sinking or breaking up, the possible pollution is limited to the basin. The vessel in distress is protected in the basin of the rescue vessel and the possible pollution is limited to the basin. Based on the

particular case of the vessel distress, the basin can be emptied or not, partly or completely.

From the above, it is clear that the rescue vessel comprises doors 18 which may be opened to accept a vessel in distress and then closed to seal the basin with the vessel inside the basin. As appropriate, the basin can be emptied or not, partly or completely. Such complete emptying of the basin is made possible by the doors 18 being closed and sealed. Advantageously, any pollution from the distressed vessel is captured within the basin of the rescue vessel and limited to the basin.

Independent claim 11 has been amended. The recitations of claims 12, 13 and 21 have been incorporated into claim 11.

Claim 11 now clearly recites that the stern comprises a sealed door (18) with a height of at least 40 meters and configured to close and seal the rear of the basin on an edge that is found below the level of the keel of the vessel in distress, the stern of the hull being sealed thereby protecting the vessel in distress in the basin and limiting possible pollution from the vessel in distress to the basin.

Dependent method claim 19 has been amended to recite protecting the vessel in distress in the basin and closing the door to seal the rear of the basin limiting possible pollution from the vessel in distress to the basin.

Again, as correctly identified by the Official Action, the prior art does not seal the basin to prevent pollution egression into the outside sea.

According to the Official Action, the door 100 of KOSSA et al. "virtually seals the basin area". However, the Official Action also notes that "the door 100 does not seal the basin area, but when the door is closed the free ingress or egress of water from the basin is limited". Even when the door is closed, the basin is not sealed because the basin of KOSSA et al. has surge ports 80-88, 44-52 and 54-62 and freeing ports 90-98 which allow communication between inside and outside the basin.

Claim 11 provides that the basin "can be closed to limit to said basin the pollution by a vessel in distress protected in the basin". That is, pollution is limited to the basin, and is not present outside the basin. According to KOSSA et al., the pollution of the basin would be "limited", but the sea around the vessel would be polluted.

So, to limit the pollution to the basin, without pollution of the surrounding sea, the basin has to be totally sealed.

The Official Action considers KOSSA et al. in view of NI to render obvious thrusters, that NI discloses "a vessel to that of KOSSA et al.". However, NI does not disclose a vessel. According to the Webster Dictionary, a vessel is "a usu. hollow structure used on or in the water for purposes of navigation...esp:

a watercraft or structure...that is used or capable to be used as a means of transportation in navigation or commerce on water". The floating dock of NI has no means to contain any cargo, because it includes no basin or hold. As NI does not disclose a basin or a door, KOSSA et al. in view of NI do not suggest a closed basin which limits the pollution to the basin or motivate modification of KOSSA et al. to include thrusters.

Again, as acknowledged by the Official Action, that "the basin disclosed by KOSSA et al. can be closed by door 100 to limit basin pollution" is an admission that KOSSA et al. does not limit pollution to the basin. As stated above, the problem is not to limit pollution from the basin, as could be obtained with KOSSA et al., but to suppress the pollution of the outside sea by oil slicks from the vessel in distress by limiting the pollution to the basin.

Therefore, prior art does not teach or suggest such a vessel or method.

From the above, applicant believes that the claims have been amended to be proper as to form and so as to recite the invention in a non-obvious manner. Accordingly, reconsideration and allowance of all the claims is respectfully requested.

Applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Should a further telephone interview be beneficial, it is requested that the undersigned attorney be contacted for the same.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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